

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cr-00204-JPH-TAB
)	
DAKOTA HOLLAND,)	-01
)	
Defendant.)	

**ENTRY DIRECTING TREATMENT OF POST-JUDGMENT MOTION
AND DIRECTING OPENING OF NEW CIVIL ACTION**

Any motion filed in the district court that imposed the sentence, and substantively within the scope of 28 U.S.C. § 2255(a), is a motion under § 2255, no matter what title the petitioner gives it. *Adams v. United States*, 911 F.3d 397, 404 (7th Cir. 2018); *Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004) (“Any motion filed in the district court that imposed the sentence, and substantively within the scope of § 2255 ¶ 1, is a motion under § 2255, no matter what title the prisoner plasters on the cover.”); *Hare v. United States*, 688 F.3d 878, 880 n. 3 (7th Cir. 2012) (A court should “look at the substance of a motion rather than its title to determine whether it is a successive collateral attack” in order “to police attempted end-runs around the successive petition limitations of § 2255 by restyling motions in different ways.”).

The defendant’s letter alleging ineffective assistance of counsel shall be treated as a motion seeking relief pursuant to 28 U.S.C. § 2255.

The **clerk shall** therefore open a new civil action in the Indianapolis Division and re-docket the letter alleging ineffective assistance of counsel, dkt. [50], as the defendant’s motion for relief pursuant to 28 U.S.C. § 2255. The Nature of Suit of the new civil action will be 510

and the Cause of Action will be 28:2255. A copy of this Entry shall likewise be docketed in the newly opened action.

Insofar as filed in the above action, the motion, dkt.[50], is **DENIED without prejudice** except to the extent that a new civil action will be opened.

SO ORDERED.

Date: 4/20/2020

Distribution:

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James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana